

“EXHIBIT A”

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 100
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (833)383-4448
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[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Kimberly Brennan, et al.
Plaintiff(s),
v.
Johnny Hernandez, et al.
Defendant(s).

Case No. **CV2024-007763**

SUMMONS

To: Johnny Hernandez

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *April 05, 2024*

JEFF FINE
Clerk of Superior Court

By: *Y. MORALES*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

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SUMMONS

To: Crete Carrier Corporation

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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KIMBERLY BRENNAN, an individual;
CARMEN PONCE, an individual,

Plaintiff,

vs.

JOHNNY HERNANDEZ, an individual;
CRETE CARRIER CORPORATION, an
Arizona foreign for-profit Corporation;
JOHN and JANE DOES 1-10; BLACK
CORPORATIONS 1-10; and WHITE
PARTNERSHIPS 1-10,

Defendants.

Case No.:
CV2024-007763
COMPLAINT

PLAINTIFFS Kimberly Brennan and Carmen Ponce ("Plaintiffs"), by and through their attorneys, LAW BADGERS, PLLC, for their Complaint against JOHNNY HERNANDEZ, an individual; CRETE CARRIER CORPORATION, an Arizona foreign for-profit Corporation; JOHN and JANE DOES 1-10; BLACK CORPORATIONS 1-10; and WHITE PARTNERSHIPS 1-10 ("Defendants"), allege as follows:

PARTIES, JURISDICTION, VENUE, AND TIER

1. Kimberly Brennan ("Kimberly") is a resident of Maricopa County, Arizona.
2. Carmen Ponce ("Carmen") is a resident of Maricopa County, Arizona.

5. JOHN and JANE DOE Defendants 1-10, BLACK CORPORATIONS 1-10, and WHITE PARTNERSHIPS 1-10 represent individual or corporate defendants who may be liable for the acts or omissions as set forth in Plaintiffs' Complaint. Plaintiffs will substitute the true names of these defendants upon discovery.

7. Venue is proper because Defendant is, and was at all relevant times, a resident of Maricopa County, Arizona.

GENERAL ALLEGATIONS

10. The Vehicle was stopped in the far-right northbound lane of 27th Avenue at the stoplight at Van Buren St.

2

1 12. Johnny was driving a Semi-truck and trailer (the “Semi”) with a gross
2 vehicle weight (“GVWR”) between 10,001 and 26,000 pounds.

3 13. Upon information and belief, Johnny operated his Semi as an employee of
4 Crete.

5 14. Johnny drove his Semi in the lane to the left of the Vehicle and attempted
6 to make a right-handed turn around the Vehicle onto Eastbound Van Buren St.
7

8 15. Johnny failed to check his positioning and the positioning of obstructions –
9 including the Vehicle – around his Semi.

10 16. Johnny made a right-handed turn and caused his Semi to hit the Vehicle
11 during the turn.
12

13 17. Johnny’s Semi dragged the Vehicle over the curb of the road and into
14 obstructions.

15 18. The Plaintiffs – as passengers in the Vehicle – took on the brunt of the force
16 of the impact caused by Johnny.
17

18 19. Johnny was cited with violation of A.R.S. § 28-701(A), titled Reasonable
19 and prudent speed; prima facie evidence; exceptions.

20 20. The force was so much that Plaintiffs suffered severe bodily injuries from
21 this collision.
22

23 21. Plaintiffs suffered bodily injuries for which they required ongoing medical
24 treatment, and for which they were charged or given future estimates for treatment that
25 are currently in the tens of thousands of dollars and will increase as further medical
26 treatment is warranted
27
28

22. Plaintiffs continue to suffer side effects of their injuries and have continued
bodily injuries, potential lost wages, pain and suffering, and loss of enjoyment of life.

COUNT I – Negligence

23. Plaintiffs incorporate all the foregoing Paragraphs as if fully stated herein.

24. As a CDL holder, Johnny has specialized training in driving vehicles that
carry weights in the tens of thousands of pounds.

25. Johnny was in fact driving the Semi with a GVWR of between 10,000 and
26,000 pounds.

26. Johnny owed Plaintiffs a duty of care to operate his Semi and oversee the
operation of the Semi in a safe and non-negligent fashion.

27. By failing to pay attention to the road and the Vehicle, and by failing to
observe and the rules of law, Johnny not only breached his duty of care, but also directly
caused the collision.

28. Crete is liable for the actions of its employees under *respondeat superior*.

29. Defendants' breaches as stated above proximately caused the collision,
which in turn proximately caused Plaintiffs to suffer damages for bodily injuries, potential
lost wages, pain and suffering, and loss of enjoyment of life, the full amount of which
will be proven at trial.

30. Defendants' actions were reckless and wanton in nature sufficient to
warrant an award of punitive damages.

COUNT II – Negligence Per Se

31. Plaintiffs incorporate all the foregoing Paragraphs as if fully stated herein.

32. Johnny violated A.R.S. § 28-701(A), which states that:

1 [a] person shall not drive a vehicle on a highway at a speed greater than is
2 reasonable and prudent under the circumstances, conditions and actual and
3 potential hazards then existing. A person shall control the speed of a vehicle
4 as necessary to avoid colliding with any object, person, vehicle or other
5 conveyance on, entering or adjacent to the highway in compliance with
6 legal requirements and the duty of all persons to exercise reasonable care
7 for the protection of others.

8 33. Johnny's violation of A.R.S. § 28-701(A) proximately caused the collision,
9 which in turn proximately caused Plaintiffs to suffer damages for bodily injuries, potential
10 lost wages, pain and suffering, and loss of enjoyment of life, the full amount of which
11 will be proven at trial.

12 34. Crete is liable for the actions of its employees under *respondeat superior*.

13 **JURY DEMAND**

14 35. Plaintiffs demand a trial by jury on all issues so triable.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff demands that judgment be entered in his favor and
17 against Defendant as follows:

- 18 A. For judgment on all Counts in favor of Plaintiffs;
- 19 B. For compensatory, general and special damages against Defendant
20 in an amount to be proven at trial;
- 21 C. For pre-judgment and post-judgment interest to the extent permitted
22 by law;
- 23 D. For reasonable costs and attorneys' fees pursuant to A.R.S. §§ 12-
24 341 and 341.01 or other statutory and common law authorities;
- 25 E. For punitive damages in an amount sufficient to punish Defendant
26 and to deter such conduct in the future; and
- 27 F. For such other and further relief as is just, proper and/or equitable
28 under the facts and circumstances of this case.

1 **RESPECTFULLY SUBMITTED** this 5th day of April 2024.

2 **LAW BADGERS, PLLC**

3
4 By /s/ Sean A. Woods
5 Sean A. Woods
6 Robert T. Mills
7 5055 North 12th Street, Suite 100
8 Phoenix, Arizona 85014
9 Attorneys for Plaintiffs

10
11 **ORIGINAL** filed this 5th day of April 2024
12 via AZTurboCourt with the Clerk of the
13 Maricopa County Superior Court.

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28
 /s/ Ben Dangerfield

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 100
City, State, Zip Code: Phoenix, AZ 85014
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Kimberly Brennan, et al.
Plaintiff(s),

Case No. CV2024-007763

v.

Johnny Hernandez, et al.
Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Sean A. Woods /s/
Plaintiff/Attorney for Plaintiff

CLERK OF THE
SUPERIOR COURT
FILED
T. GARVEY, DEP

2024 JUN 17 PM 2:29

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:)

KIMBERLEY BRENAN, et al.,)

Case No: CV2024-007763

Plaintiff(s),)

CERTIFICATE OF SERVICE

v.)

JOHNNY HERNANDEZ, et al,)

Defendant(s).)

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on June 7, 2024, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Crete Carrier Corporation at 3800 N. Central Ave., #460, Phoenix, AZ on June 14, 2024 at approximately 11:45 am. I verified Everett Bethea, Statutory Agent could accept service and served him.
3. This is considered to be personal service.
4. The fee I charged for this service was \$85.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

6/17/24
Date

Office Distribution

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

****FILED****

06/12/2024

by Superior Court Admin
on behalf of Clerk of the
Superior Court

Ct. Admin
Deputy

06/08/2024

COURT ADMINISTRATION

Case Number: CV2024-007763

Kimberly Brennan

V.

Johnny Hernandez

The Judge assigned to this action is the Honorable Timothy J Ryan

NOTICE OF INTENT TO DISMISS FOR LACK OF SERVICE

You are hereby notified that the complaint filed on 04/05/2024 is subject to dismissal pursuant to Rule 4 (i) of the Arizona Rules of Civil Procedure. The deadline for completing service is 07/05/2024. If the time for completing service has not been extended by the court and no defendants have been served by this date, the case will be dismissed without prejudice.

All documents required to be filed with the court should be electronically filed through Arizona Turbo Court at www.azturbocourt.gov.

Superior Court of Maricopa County - integrated Court Information System
Endorsee Party Listing
Case Number: CV2024-007763

Party Name	Attorney Name	
Carmen Ponce	Sean Woods	Bar ID: 028930
Kimberly Brennan	Sean Woods	Bar ID: 028930